

REMARKS

Upon entry of this Amendment, claims 1-35 are all the claims pending in the application. Claims 31-35 have been added. Claims 1-8, 10-20, 22-24 and 26-30 presently stand rejected. Claims 9, 21 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

The Examiner has not indicated approval of the drawings filed November 20, 2000.
Approval is kindly requested.

In regard to the claim rejections, claims 5, 7 and 23 are rejected under 35 U.S.C. § 112, second paragraph; Claims 1-7, 10-20, 22, 23 and 26-30 are rejected under 35 U.S.C. § 102(b) as being anticipated by Nagashima et al. (USP 5,963,521) and Claims 8 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagashima et al. (USP 5,963,521) in view of Yokota (USP 5,886,957).

In regard to the claim rejection under §112, Applicant has broadened claims 5, 7 and 23 by removing the reference to the external portion. Withdrawal of the §112 rejection is kindly requested.

For the reasons set forth below, Applicant respectfully traverses the prior art rejections and requests favorable disposition of the claims. The amendments made to claims 9, 11, 21, 22 and 25 have been made only to expedite prosecution. Applicant disagrees with the Examiner's bases for rejecting the claims and each rejection is addressed by the arguments below.

Argument

As disclosed in the present specification and claimed in each of independent claims 1, 12, 15 and 28-30, according to one embodiment of the present invention, recording audio data from a first recording medium, such as a compact disc (CD), to a second recording medium, such as a hard-drive, is performed "in parallel" with reproducing recorded audio data from the second recording medium.

Contrary to the Examiner's assertions, Nagashima et al. fails to teach or even suggest this feature. Nagashima et al. is directed to a high-speed dubbing recording and/or reproducing apparatus for compressed data obtained by bit compression of digital audio. (abstract; col. 1, lines 11-13). As disclosed, one of the main objectives in Nagashima et al. is to provide an apparatus that can record compressed audio data from one medium to a second medium "in a reduced period of time." (col. 2, lines 22-29). The apparatus disclosed in Nagashima et al. permits copying of compressed audio data from one recording medium to another medium, for example, without the need to decompress the compressed data, thus reducing the copying, or dubbing, time. Nagashima, however, does not disclose recording audio data from one recording medium to another recording medium in parallel with reproducing recorded audio data from the second medium.

More particularly, the passage cited by the Examiner for disclosing this feature, i.e., col. 7, lines 45-59, discloses:

The system controller 7 effects memory control for memory 14 in the above described manner, while also effecting recording position control so that the recording data read out in a burst fashion from the memory 14 in the burst fashion will be continuously recorded on the recording track of the magneto-optical disc 2. The recording position control by the system controller 7 is so

made that the recording position of the recording data read out in the burst fashion from memory 14 is supervised and control signals designating the recording position on the recording track of the magneto-optical disc 2 are transmitted to the servo control circuit 6.

Thus, in order to provide fast copying of compressed audio data, the system controller in Nagashima et al. controls the memory device *from* which the compressed audio data is being copied and further controls the recording position of the device *to* which the compressed data is being recorded. The system controller controls these parameters such that data read out from the memory device in a burst mode can be recorded onto the recording medium quickly while maintaining the integrity of the servo control data for subsequent playback in non-burst mode. There is no disclosure in Nagashima et al. of the claimed feature of reproducing audio data from one medium "in parallel" with recording data to that same medium. The absence of this claimed feature is not surprising considering the objectives of the invention in Nagashima et al., as discussed above.

For at least this reason Applicant submits that Nagashima et al. fails to teach or suggest the subject matter recited in independent claims 1, 12, 15 and 28-30. Accordingly, each of these claims, and all claims dependent thereon, specifically, claims 2-5, 10, 13, 14, 16-20, and 26, are allowable over the prior art of record and the rejection of these claims should be withdrawn.

Claims 6, 11, 22 and 27, each of which has been rewritten in independent form, each includes the same patentable "in parallel" feature discussed above. Accordingly, each of claims 6, 11, 22 and 27, and all claims dependent thereon, specifically, claims 7, 8, 23 and 24, is patentable over the prior art of record.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/715,009

Claims 9, 21 and 25 have also been rewritten in independent form. Therefore, as discussed on page 18 of the office action, these claims are now in condition for immediate allowance.

New Claims

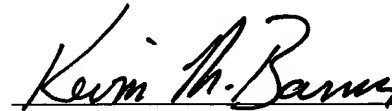
For additional claim coverage merited by the scope of the invention, Applicant has added new claims 31-35. Applicant submits that none of the cited prior art references disclose, teach, or suggest the combination of features contained therein.

Conclusion

In view of the foregoing remarks, the application is believed to be in form for immediate allowance with claims 1-35, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to **contact the undersigned** at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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